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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,)	Case No. 4:20-cv-05640-YGR-TSH
)	
Plaintiff,)	DECLARATION OF PETER WARMAN IN
)	SUPPORT OF APPLE'S
v.)	ADMINISTRATIVE MOTION TO SEAL
)	
APPLE INC.,)	The Honorable Yvonne Gonzalez Rogers
)	
Defendant.)	Trial: May 3, 2021
)	

1 I, Peter Warman, hereby declare as follows:

2 1. I am Co-founder and CEO at Newzoo International B.V. ("Newzoo"). I submit this
3 Declaration in support of Apple's Administrative Motion to File Information Under Seal.

4 2. As Co-founder and CEO, I am intimately familiar with Newzoo's products and business.
5 Newzoo is one of the leading providers of data, research, and analytics regarding the games,
6 esports and mobile applications marketplace, offering a suite of products to help a broad range of
7 industries, of which many are leading global games, media, and hardware companies, as well as
8 consumer brands, sports organizations, and telecom companies, to improve their strategies.
9 Newzoo collects various data inputs and, using sophisticated and proprietary modeling techniques,
10 generates a wide variety of app performance estimates regarding the mobile marketplace available
11 for purchase in reports assembled by Newzoo.

12 3. The data in Newzoo reports is highly confidential and only available to clients that
13 purchase the report. If the reports were to become public, it would significantly impact Newzoo as
14 both potential clients and competitors would see the Newzoo data and how it was assembled.

15 4. Additionally, Newzoo is currently involved in a copyright conflict that would create
16 further complications if the Newzoo data and methodology were to become public.

17 5. I am familiar with Newzoo's practices and procedures with respect to ensuring the
18 confidentiality Newzoo reports. Because the Newzoo reports are one of the core components of
19 Newzoo's products, they are shared only with paying customers. All customers sign an agreement
20 in which it is stated that these reports and the data contained in it, or related documentation that
21 customers receive as part of Newzoo reports, may not be shared or made public.

22 6. I am generally familiar with the information contained in Exhibit DX-3248 and Exhibit
23 DX-4797. I am aware that these exhibits contain confidential information obtained by Apple Inc.
24 through its subscription with Newzoo.

25 7. Based on my familiarity with Newzoo's revenue generation model and business
26 strategies, these Exhibits contain confidential information the disclosure of which would likely
27 cause competitive harm to Newzoo. Newzoo derives economic benefit by maintaining the
28 confidentiality of such information and does not disclose this information to competitors or

____ DECL. OF NEWZOO IN SUPPORT OF APPLE'S ADMIN. MOTION TO SEAL
Case No. 4:20-cv-05640-YGR-TSH

- 2 -



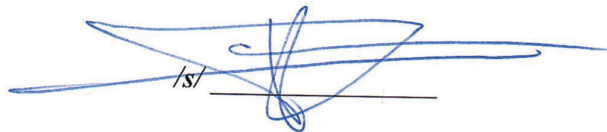
1 members of the general public. Disclosing this data that is the main part of Newzoo's paid product
2 could cause Newzoo to lose potential customers who would likely decline to purchase a
3 subscription as they could access the data for free, or worse, cause current customers to cancel
4 their subscriptions as the data would be freely accessible. Newzoo would also face competitive
5 harm from competitors who would have access to the data Newzoo produces and would know
6 how Newzoo instructs customers to utilize the estimate data, allowing those competitors to use all
7 off Newzoo's proprietary information to improve their own products.

8 8. I have personal knowledge of the information stated in this Declaration and if called to
9 testify, I could testify to the matters stated herein.

10 9. I declare under penalty of perjury under the laws of the United States of America that
11 the foregoing is true and correct.

12 Executed this 15th day of May, 2021, in Amsterdam.

13 By: Peter Warman

14
15  /s/

E-FILING ATTESTATION

I, Rachel Brass, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatory identified above has concurred in this filing.

Dated: May 15, 2021

By: /s/ Rachel Brass
Rachel Brass